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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,048	02/27/2004	David S. Benco	35-29	9557

7590 04/19/2005

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER
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TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/789,048

Applicant(s)

BENCO ET AL.

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6, 8-11, 13-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosinski et al (5,381,467).

Consider claim 1, Rosinski et al teach a method comprising the steps of: connecting a call between a calling party and called party (col. 5 lines 60-66); consulting a calling party billing list to determining whether the calling party has authorized alternative billing treatment for the call (col. 5 lines 60-66; col. 7 lines 1-33); and if the calling party has authorized alternative billing treatment, generating a billing record to bill the calling party according to the alternative billing treatment (col. 7 lines 35-65).

Consider claim 2, Rosinski et al teach the method further comprising, if the calling party has authorized alternative billing treatment; sending a message to one or both of the calling party and called party indicating that the calling party is being billed for the call according to the alternative billing treatment (col. 7 lines 46-50).

Consider claim 4, Rosinski et al teach wherein the step of consulting the calling party billing list comprises; identifying a directory number associated with the called party, defining a called party directory number; determining if the called party directory number is present in the calling party billing list, a presence of the called party directory number in the calling party

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billing list indicating that the calling party has authorized alternative billing treatment (col. 7 lines 7-18).

Consider claim 5, Rosinski et al teach the method further comprising, if the calling party has not authorized alternative billing treatment: consulting a called party billing list to determining whether the called party has authorized alternative billing treatment for the call; and if the called party has authorized alternative billing treatment, generating a billing record to bill the called party according to the alternative billing treatment (col. 10 lines 37-66).

Consider claim 6, Rosinski et al teach the method further comprising, if the called party has authorized alternative billing treatment: sending a message to one or both of the calling party and called party indicating that the called party is being billed for the call according to the alternative billing treatment (col. 10 lines 61-66).

Consider claim 8, Rosinski et al teach wherein the call comprises a wireline call, the alternative billing treatment comprising an authorization to bill monetary charges associated with the wireline call to the called party (col. 7 line 51 – col. 8 line 7).

Consider claim 9, Rosinski et al teach wherein the step of consulting the called party billing list comprises: identifying a directory number associated with the calling party, defining a calling party directory number; determining if the calling party directory number is present in the called party billing list, a presence of the calling party directory number in the called party billing list indicating that the called party has authorized alternative billing treatment (col. 10 lines 48-56).

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Consider claim 10, Rosinski et al teach the method further comprising, if the calling party has not authorized alternative billing treatment, generating a billing record for the call according to customary practice (col. 5 lines 60-68).

Consider claim 11, Rosinski et al teach a method comprising the steps of: receiving billing information associated with a call between a calling party and called party (col. 5 lines 48-66); consulting a calling party billing list to determining whether the calling party has authorized alternative billing treatment for the call (col. 5 lines 60-66; col. 7 lines 1-33); and if the calling party has authorized alternative billing treatment, generating a billing record to bill the calling party according to the alternative billing treatment (col. 7 lines 35-65).

Consider claim 13, Rosinski et al teach wherein the step of consulting the calling party billing list comprises: identifying a directory number associated with the called party, defining a called party directory number; determining if the called party directory number is present in the calling party billing list, a presence of the called party directory number in the calling party billing list indicating that the calling party has authorized alternative billing treatment (col. 7 lines 7-18).

Consider claim 14, Rosinski et al teach the method further comprising, if the calling party has not authorized alternative billing treatment: consulting a called party billing list to determining whether the called party has authorized alternative billing treatment for the call; and if the called party has authorized alternative billing treatment, generating a billing record to bill the called party according to the alternative billing treatment (col. 10 lines 37-66).

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Consider claim 16, Rosinski et al teach wherein the call comprises a wireline call, the alternative billing treatment comprising an authorization to bill monetary charges associated with the wireline call to the called party (col. 7 line 51 – col. 8 line 7).

Consider claim 17, Rosinski et al teach wherein the step of consulting the called party billing list comprises: identifying a directory number associated with the calling party, defining a calling party directory number; determining if the calling party directory number is present in the called party billing list, a presence of the calling party directory number in the called party billing list indicating that the called party has authorized alternative billing treatment (col. 10 lines 48-56).

Consider claim 18, Rosinski et al teach the method further comprising, if the calling party has not authorized alternative billing treatment, generating a billing record for the call according to customary practice (col. 5 lines 60-68).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al (5,381,467) in view of Burns et al (5,557,664).

Consider claims 3 and 12, Rosinski et al did not suggest wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call

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legs to the calling party. However, Burns et al suggested such (2 lines 28-49; col. 4 lines 17-28).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Burns et al into view of Rosinski et al in order improve billing arrangement between users.

Consider claims 7 and 15, Rosinski et al did not suggest wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call legs to the called party. However, Burns et al suggested such (col. 6 lines 10-29). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Burns et al into view of Rosinski et al in order improve billing arrangement between users.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(703) 872-9306**

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and SATURDAY from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

**QUOCTRAN**  
**PRIMARY EXAMINER**



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April 16, 2005